

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Eugene Ross,

Plaintiff,

v.

James Dzurenda, *et al.*,

Defendants.

Case No. 2:23-cv-02062-JAD-EJY

ORDER

On December 14, 2023, Plaintiff, an inmate in the custody of High Desert State Prison (“HDSP”), filed an incomplete application to proceed *in forma pauperis* (“IFP”) together with a Civil Rights Complaint under 42 U.S.C. § 1983. ECF Nos. 1, 1-1. Plaintiff’s IFP application failed to include a financial certificate and his inmate trust fund account statement for the previous six-month period. Plaintiff attached an Inmate Request Form explaining that a response to his internal inquiry to the HDSP law library states it takes “1-4 months” to prepare his financial certificate. ECF No. 1 at 4. Even if Plaintiff has not been at the Nevada Department of Corrections facility a full six-month period, Plaintiff must still submit a financial statement and an inmate account statement for the dates he has been at the facility. 28 U.S.C. § 1915(a)(2); Local Rule LSR 1-2.

Accordingly, IT IS HEREBY ORDERED that Plaintiff’s application to proceed *in forma pauperis* (ECF No. 1) is DENIED without prejudice.

IT IS FURTHER ORDERED that on or before **February 16, 2024**, Plaintiff must either pay the \$405 filing fee for a civil action or file with the Court: (1) a complete **Application to Proceed in Forma Pauperis for Inmate** on the Court’s approved form; (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**.

IT IS FURTHER ORDERED that failure to either pay the \$405 filing fee or file a complete application to proceed *in forma pauperis* on or before **February 16, 2024**, will result in a recommendation to dismiss this action **without prejudice**. A dismissal without prejudice allows

1 Plaintiff to file his case with the Court, under a new case number, when he is able to comply with
2 LSR 2-1 and file a complete application to proceed *in forma pauperis* or pay the required filing fee.

3 IT IS FURTHER ORDERED that the Court will retain Plaintiff's Complaint (ECF No. 1-1),
4 but will not file it at this time.

5 IT IS FURTHER ORDERED that the Clerk of the Court must send Plaintiff the approved
6 form application to proceed *in forma pauperis* for inmate along with the information and instructions
7 for filing the same.

8 DATED this 18th day of December, 2023.

9
10 
11 ELAYNA J. YOUCHAK
12 UNITED STATES MAGISTRATE JUDGE
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28